

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

B.J. SMITH, BRADFORD ZINN,)	
and JERED ROSS,)	
)	Case No.
Plaintiffs,)	
v.)	
)	
HIGHLAND COMMUNITY)	KS Federal Case No: 22-CV-02048
COLLEGE (HCC), THE BOARD OF)	
TRUSTEES FOR HCC, RUSSELL KARN,)	
DEBORAH FOX, and BRYAN DORREL,)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR ISSUANCE OF OUT-OF-STATE SUBPOENA

COME NOW Defendants Highland Community College ("HCC"), The Board of Trustees for HCC, Russell Karn, Deborah Fox, and Bryan Dorrel (collectively "Defendants"), by and through undersigned counsel, and pursuant to Federal Rule 45(a)(2), respectfully move for an Order from this Court requesting the issuance of an out-of-state Subpoena Duces Tecum in order to obtain documents from Southeast Missouri State University.

In support of this motion, Defendants state the following:

1. A civil action is pending in the United States District Court for the District of Kansas, Case No. 22-CV-02048.
2. Defendants want to obtain documents from Southeast Missouri State University regarding employment pertaining to one of the Plaintiffs, William "BJ" Smith.
3. Southeast Missouri State University is located in the State of Missouri.
4. A copy of the issued Kansas Federal Subpoena Duces Tecum is attached hereto and marked as Exhibit 1. A copy of the Proposed Missouri Eastern District Federal Subpoena Duces Tecum is also attached hereto as Exhibit 2.

5. Federal Rule 45(a)(2) permits this Court to accept Defendants motion and make an order directing issuance of a Subpoena Duces Tecum for use in a foreign jurisdiction. Fed. R. Civ. P. 45.

WHEREFORE, based upon the above, Defendants pray for an Order from the Court sustaining their motion for issuance of an out-of-state Subpoena Duces Tecum to obtain the documents of Southeast Missouri State University.

Dated this _____ day of March, 2023.

Respectfully submitted,

SANDERS WARREN & RUSSELL LLP

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of March, 2023, the foregoing was filed with the Clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

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